

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEVIN JAMES LISLE,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:03-cv-1006-MMD-CWH

ORDER

In this capital habeas corpus action, Petitioner Kevin James Lisle has filed, *pro se*, a motion to waive further proceedings and voluntarily dismiss this action. (ECF No. 359.) Petitioner's motion raises the questions whether Petitioner is competent to make such a waiver and whether his waiver is knowing, intelligent and voluntary. The Court appointed an expert, Dr. Melissa Piasecki, to examine Petitioner and produce a report, and she has done so. (ECF Nos. 382, 390, 391, 392.) Further, the Court has set an evidentiary hearing regarding these issues, to commence on October 22, 2020. (ECF Nos. 402, 407.)

The Court has received a letter dated June 18, 2020, from Lisle, in which Lisle states that he believes he has been retaliated against at Ely State Prison ("ESP"), the prison where he is incarcerated, as a result of the Court setting the evidentiary hearing. The letter will be filed.

The Court takes seriously Lisle's belief that he has been retaliated against because of activity in this action, or, for that matter, because of any protected activity. The Federal Public Defender's office should inform the Court immediately if there is evidence of any ongoing retaliation against Lisle. Furthermore, as the effect upon Lisle of the conditions of his confinement may be relevant to the question of the voluntariness of his waiver,

1 evidence of any retaliation against Lisle, as well as evidence that Lisle believes he has
2 been retaliated against, may be admissible at the evidentiary hearing.

3 It is therefore ordered that the Clerk of the Court is directed to file the letter received
4 from Petitioner dated June 18, 2020.

5
6 DATED THIS 29th day of June 2020.

7
8 
9 _____
10 MIRANDA M. DU
11 CHIEF UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28